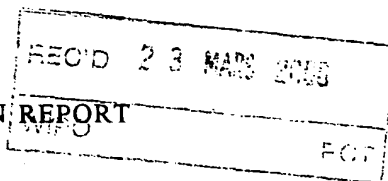


# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference 126881201840	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/06947	International filing date (day/month/year) 30 MARCH 1999	Priority date (day/month/year) 31 MARCH 1998
International Patent Classification (IPC) or national classification and IPC Please See Supplemental Sheet.		
Applicant GENZYME CORPORATION		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>2</u> sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step or industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>

Date of submission of the demand 12 OCTOBER 1999	Date of completion of this report 29 FEBRUARY 2000
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer <i>Jennifer Nichols</i> JENNIFER NICHOLS, NEE HUNT
Facsimile No. (703) 305-3230	Telephone No. (703) 308-0196

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/06947

## I. Basis of the report

1. This report has been drawn on the basis of *(Substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments):*

☒ the international application as originally filed.

☒ the description, pages (See Attached) , as originally filed.

pages \_\_\_\_\_ , filed with the demand.

pages \_\_\_\_\_ , filed with the letter of \_\_\_\_\_.

pages \_\_\_\_\_ , filed with the letter of \_\_\_\_\_.

☒ the claims, Nos. (See Attached) , as originally filed.

Nos. \_\_\_\_\_ , as amended under Article 19.

Nos. \_\_\_\_\_ , filed with the demand.

Nos. \_\_\_\_\_ , filed with the letter of \_\_\_\_\_.

Nos. \_\_\_\_\_ , filed with the letter of \_\_\_\_\_.

☒ the drawings, sheets/~~fig~~ (See Attached) , as originally filed.

sheets/~~fig~~ \_\_\_\_\_ , filed with the demand.

sheets/~~fig~~ \_\_\_\_\_ , filed with the letter of \_\_\_\_\_.

sheets/~~fig~~ \_\_\_\_\_ , filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

☒ the description, pages NONE.

☒ the claims, Nos. NONE.

☒ the drawings, sheets/~~fig~~ NONE.

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the ~~Supplemental Box~~ Additional observations below (Rule 70.2(c)).

4. Additional observations, if necessary:

NONE

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/06947

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>1-30</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-30</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-30</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 1-30 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest methods of diagnosing neoplastic conditions in lung cells by detection an overexpression of b-myb, p67, PGP9.5, or 8-oxo-dGTPase, and corresponding kit, methods of screening potential therapeutic agents, and methods for reversing a neoplastic condition of lung cells.

----- NEW CITATIONS -----

NONE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/06947

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

**CLASSIFICATION:**

The International Patent Classification (IPC) and/or the National classification are as listed below:

IPC(7): A61K 39/00, 31/70; C12Q1/68; G01N 33/574; A01N 43/04 and US Cl.: 424/277.1; 435/6, 7.23; 514/44

**I. BASIS OF REPORT:**

This report has been drawn on the basis of the description,  
pages, 1-38 AND SEQUENCE LISTING PAGES 1-4, as originally filed.  
pages, NONE, filed with the demand.  
and additional amendments:  
NONE

This report has been drawn on the basis of the claims,  
numbers, 1-30, as originally filed.  
numbers, NONE, as amended under Article 19.  
numbers, NONE, filed with the demand.  
and additional amendments:  
NONE

This report has been drawn on the basis of the drawings,  
sheets, 1-3, as originally filed.  
sheets, NONE, filed with the demand.  
and additional amendments:  
NONE